

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room 524
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing (day/month/year) 26 October 2000 (26.10.00)	
International application No. PCT/JP00/00850	Applicant's or agent's file reference HM990003PCT
International filing date (day/month/year) 16 February 2000 (16.02.00)	Priority date (day/month/year) 24 February 1999 (24.02.99)
Applicant INOUE, Kazutaka et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
19 September 2000 (19.09.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Antonia Muller Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

TANAKA, Kiyoshi
Yebisu Garden Terrace Nibankan 709
20-2, Yebisu 4-chome
Shibuya-ku, Tokyo 150-0013
JAPON

Date of mailing (day/month/year) 20 April 2000 (20.04.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference HM990003PCT	
International application No. PCT/JP00/00850	
International publication date (day/month/year) Not yet published	
Applicant HISAMITSU PHARMACEUTICAL CO., INC. et al	International filing date (day/month/year) 16 February 2000 (16.02.00) Priority date (day/month/year) 24 February 1999 (24.02.99)

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
24 Febr 1999 (24.02.99)	11/45696	JP	07 Apr 2000 (07.04.00)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Form PCT/IB/304 (July 1998)

Authorized officer

Marc Salzman

Telephone No. (41-22) 338.83.38



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国際調査報告

(法 8 条、法施行規則第40、41条)
[PCT 18 条、PCT 規則43、44]

出願人又は代理人 の書類記号 HM990003PCT	今後の手続きについては、国際調査報告の送付通知様式(PCT/ISA/220)及び下記5を参照すること。	
国際出願番号 PCT/JP00/00850	国際出願日 (日.月.年) 16.02.00	優先日 (日.月.年) 24.02.99
出願人 (氏名又は名称) 久光製薬株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条 (PCT 18 条) の規定に従い出願人に送付する。
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

1. 国際調査報告の基礎

- a. 言語は、下記に示す場合を除くほか、この国際出願がされたものに基づき国際調査を行った。
☐ この国際調査機関に提出された国際出願の翻訳文に基づき国際調査を行った。
- b. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際調査を行った。
☐ この国際出願に含まれる書面による配列表
☐ この国際出願と共に提出されたフレキシブルディスクによる配列表
☐ 出願後に、この国際調査機関に提出された書面による配列表
☐ 出願後に、この国際調査機関に提出されたフレキシブルディスクによる配列表
☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった。
☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記載した配列が同一である旨の陳述書の提出があった。

2. ☐ 請求の範囲の一部の調査ができない (第 I 欄参照)。

3. ☐ 発明の単一性が欠如している (第 II 欄参照)。

4. 発明の名称は ☒ 出願人が提出したものを承認する。
☐ 次に示すように国際調査機関が作成した。

5. 要約は ☒ 出願人が提出したものを承認する。
☐ 第 III 欄に示されているように、法施行規則第47条 (PCT 規則38.2(b)) の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から 1 カ月以内にこの国際調査機関に意見を提出することができる。

6. 要約書とともに公表される図は、
 第 3 図とする。 ☒ 出願人が示したとおりである。 ☐ なし
☐ 出願人は図を示さなかった。
☐ 本図は発明の特徴を一層よく表している。

A. 発明の属する分野の分類 (国際特許分類 (IPC))

Int. Cl⁷ A 61 N 1/30

B. 調査を行った分野

調査を行った最小限資料 (国際特許分類 (IPC))

Int. Cl⁷ A 61 N 1/30

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報 1926-1996年

日本国公開実用新案公報 1971-2000年

日本国登録実用新案公報 1994-2000年

日本国実用新案登録公報 1996-2000年

国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

C. 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
Y	J P, 9-66111, A (久光製薬株式会社) 11. 3月. 1997 (11. 03. 97) 全文 & WO, 97/07853, A1 & AU, 6669996, A & EP, 0847775, A	1-7

☒ C欄の続きにも文献が列举されている。☐ パテントファミリーに関する別紙を参照。

* 引用文献のカテゴリー

「A」特に関連のある文献ではなく、一般的技術水準を示すもの

「E」国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの

「L」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す)

「O」口頭による開示、使用、展示等に言及する文献

「P」国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

「T」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの

「X」特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの

「Y」特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの

「&」同一パテントファミリー文献

国際調査を完了した日

16. 05. 00

国際調査報告の発送日

30.05.00

国際調査機関の名称及びあて先

日本国特許庁 (ISA/J P)

郵便番号 100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

中田 誠二郎



3 E 9 2 5 2

電話番号 03-3581-1101 内線 3344

C (続き) . 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
Y ✓	WO, 96/17651, A1 (ALZA CORPORATION) 13. 6月. 1996 (13. 06. 96) 全文 & US, 5697896, A1 & EP, 796127, B & JP, 10-510179, A	1-7
E, Y ✓	AU, 8192698, A1 (BECTON, DICKINSON AND COMPANY) 11. 3月. 1999 (11. 03. 99) & EP, 904801, A & JP, 11-128369, A	1-7

5T
09/1890284
Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

RECEIVED
DEC 21 2001
TECH CENTER 1609/2900
3700 MAIL ROOM

Applicant's or agent's file reference HM990003PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP00/00850	International filing date (day/month/year) 16 February 2000 (16.02.00)	Priority date (day/month/year) 24 February 1999 (24.02.99)
International Patent Classification (IPC) or national classification and IPC A61N 1/30		
Applicant HISAMITSU PHARMACEUTICAL CO., INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 19 September 2000 (19.09.00)	Date of completion of this report 24 April 2001 (24.04.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/00850

I. Basis of the report

1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/00850

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 4-6

because:

- ☒ the said international application, or the said claims Nos. 4-6 relate to the following subject matter which does not require an international preliminary examination (*specify*):

The subject matter of Claims 4 to 6 relates to a method for treatment of the human body by surgery or therapy, which does not require an international preliminary examination by the International Preliminary Examining Authority in accordance with PCT Article 34(4)(a)(i) and Rule 67.1(iv).

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

- ☐ no international search report has been established for said claims Nos. _____.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRÉLIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/00850

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3,7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3,7	NO
Industrial applicability (IA)	Claims	1-3,7	YES
	Claims		NO

2. Citations and explanations

Document 1 [JP, 9-66111, A (Hisamitsu Pharmaceutical Co., Inc.), 11 March 1997 (11.03.97) full text] describes an iontophoresis-use power supply device that detects the effective current flowing in skin or a mucous membrane and provides an accurate understanding of the state of conduction.

Document 2 [WO, 96/17651, A1 (Alza Corporation), 13 June 1996 (13.06.96), full text] describes a device used in an electric carrying method, the device being provided with a monitor circuit that monitors the operation of a drive circuit that applies electricity to skin for the purpose of medicine carrying.

Document 3 [AU, 8192698, A1 (Becton, Dickinson and Company), 11 March 1999 (11.03.99)] describes an iontophoresis-use controller provided with a means that detects a load impedance.

One skilled in the art could have easily conceived the inventions described in claims 1 to 3 and 7 based on these cited documents.